

## REMARKS

Applicants are canceling claims 9-11 without prejudice or disclaimer; and, in particular, without prejudice to the filing of a Divisional application directed to the subject matter thereof. In light of the canceling of claims 9-11, it is respectfully submitted that the restriction requirement as set forth on page 1 of the Office Action mailed January 29, 2002, is moot.

In any event, to clarify the record, Applicants respectfully elect the Group I claims, claims 1-8 and 12-23, for prosecution on the merits in the present application.

The election-of-species requirement as set forth on pages 2 and 3 of the Office Action mailed January 29, 2002, is noted. Pursuant thereto, Applicants respectfully elect the species of the lamination layer to be etched having an upper pole, which the Examiner indicates reads on claims 1-8 and 13-23. Thus, it is respectfully submitted that claims 1-8 and 13-23 read on the elected species, and are to be considered on the merits in the present application.

In addition, it is noted that the Examiner indicates that claims 1-8 are generic to the subject matter of claims 12-23. Upon allowance of any one of claims 1-8, it is respectfully submitted that claim 12 should be rejoined in the present application and allowed to issue in a U.S. patent issuing from the above-identified application.

In view of the foregoing, consideration of the species of the lamination

layer to be etched having an upper pole (claims 1-8 and 13-23 reading thereon), of the Group I claims drawn to a method of processing a specimen, in due course, is respectfully requested.

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To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135 (Case No. 503.38156X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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